

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:	§	CHAPTER 11
	§	
TRINITY RIVER RESOURCES, LP	§	
	§	
Debtor	§	CASE NO. 16-10472-tmd
<hr style="width: 100%;"/>	§	
TRINITY RIVER RESOURCES, LP,	§	
	§	
Plaintiff,	§	
	§	
MATTHEW J. TELFER, BBX OPERATING,	§	ADVERSARY NO. 17-01090-tmd
LLC, KODIAK RESOURCES, INC.,	§	
BORDER EXPLORATION, LLC,	§	
BORDER TO BORDER #1, LP, AND	§	
JOHN GAINES,	§	
	§	
Defendants.	§	
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DEFENDANTS' STATEMENT REGARDING JURY DEMAND

TO THE HONORABLE TONY DAVIS, UNITED STATES BANKRUPTCY JUDGE:

Matthew J. Telfer, BBX Operating, LLC, Kodiak Resources, Inc., Border Exploration, LLC, Border to Border #1, LP, and John Gaines (collectively "Defendants") file this Statement Regarding Jury Demand pursuant to Local Rule 9015, as follows:

1. Defendants have demanded a jury trial in this case.
2. Defendants do not consent to the conduct of a jury trial by the Bankruptcy Court.
3. A Seventh Amendment right to a jury trial exists in this case. Plaintiff's causes of action nos. 8 -11, 14, 15 and 18 are state-law causes of action seeking damages or related relief and are legal in nature, to which a right to jury trial attaches. Causes of action nos. 16 - 17, entitled "Turnover" actions, are demands to turn over amounts relating to the Anadarko claims,

which are state law claims and must be determined by applicable state law. Causes of action nos. 1 - 7 are preference and fraudulent conveyance claims, which give rise to a jury trial right under *Granfinanciera v. Nordberg*, 492 U.S. 33 (1989). To the extent that Claim Nos. 16 - 17 are considered bankruptcy-created claims, *Granfinanciera* likewise invokes a jury trial right as to the underlying basis for turnover.

4. Claim Nos. 8 - 11, 14, 15 and 18 are non-core, state law causes of action and are at most “related to” causes of action pursuant to *Matter of Wood*, 825 F.2d 90 (5th Cir, 1987). Causes of action nos. 1 – 7 and 10 are core proceedings. Again, though causes of action nos. 16 - 17 are styled as bankruptcy claims, the underlying determinations are made as a matter of state law.

5. Defendants do not consent to entry of final orders or judgments in this case.

Respectfully submitted,

WALLER LANSDEN DORTCH & DAVIS, LLP

By: /s/ Mark C. Taylor

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been served upon those parties receiving the Court's ECF e-mail notification, including counsel listed below on March 21, 2018:

Thomas A. Labuda
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/s/ Mark C. Taylor

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